

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

UNITED STATES OF AMERICA)
)
 V.) CASE NO: 2:05-cr-175-LSC
)
 MARCUS JABOR ALLS)

MOTION TO RECONSIDER REQUEST FOR DETENTION HEARING

COMES NOW the Defendant, **MARCUS JABOR ALLS**, by undersigned counsel, Donnie W. Bethel, pursuant to 18 U.S.C. §3142 and moves this Honorable Court to reconsider it's earlier Order denying his motion for an Order setting a detention hearing as soon as possible. In support of this motion, Mr. Alls would show the following:

1. On August 18, 2005, Mr. Alls was released pending trial. On December 20, 2005, the United States petitioned this Court to revoke Mr. Alls' pretrial release. Said petition was sealed at that time, and was unsealed on February 14, 2006.

2. On December 20, 2005, this Court issued an arrest warrant for Mr. Alls. Said warrant was executed on February 9, 2006, and United States Marshals transported Mr. Alls from the Pike County Jail to the Montgomery City Jail. As Mr. Alls has been in federal custody since February 9, 2006, he contends that he should have been brought immediately before this Court for a detention hearing, pursuant to 18 U.S.C. §3142(f).

3. On February 13, 2006, Mr. Alls moved this Court to hold a detention hearing as soon as possible.

4. On February 15, 2006, this Court denied Mr. Alls' motion for a detention

hearing, stating, "The major obstacle to scheduling a detention hearing is its obvious interference with Alls's trial. Moreover, it is likely that the trial will conclude within the next 1-2 days." Mr. Alls respectfully disagrees with the conclusion of the Court. While Mr. Alls has struck a jury in his case, the trial is not scheduled to begin until one week hence, on Wednesday afternoon, February 22, 2006. Therefore, Mr. Alls' trial will not be concluded in the next 1-2 days and a detention hearing will not interfere with Mr. Alls' trial. At the conclusion of this hearing, if this Court ordered that Mr. Alls should be continued on release he would have several days to order his personal affairs before the beginning of his trial on the merits. Under these circumstances, Mr. Alls believes that he is entitled to a detention hearing.

WHEREFORE, Mr. Alls respectfully requests that this Court reconsider its Order denying Mr. Alls' request for a detention hearing and instead issue an Order scheduling said hearing as soon as possible.

Dated this 15th day of February, 2006.

Respectfully submitted,

s/ Donnie W. Bethel
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CERTIFICATE OF SERVICE

I hereby certify that on February 15, 2006, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

David Cooke, Esquire
Assistant United States Attorney
One Court Square, Suite 201
Montgomery, Alabama 36104

Respectfully submitted,

s/ Donnie W. Bethel
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